

Appendix Q

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

CEASE AND DESIST ORDER NO. 96-31

FOR
THE CITY OF ESCONDIDO

The California Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB), finds that:

1. The City of Escondido discharges up to 17.5 million gallons per day (MGD) of treated wastewater from the Hale Avenue Resource Recovery Facility (HARRF) to the Pacific Ocean through the Escondido Land Outfall and the San Elijo Ocean Outfall (SEOO) under waste discharge requirements issued by the SDRWQCB (Order No. 94-104, NPDES Permit No. CA0107981). The HARRF treats residential, commercial, and industrial wastewater generated in the City of Escondido and the Rancho Bernardo portion of the City of San Diego.
2. In recent years, on a number of days during or immediately following sustained periods of significant precipitation, the City has discharged untreated wastewater to Escondido Creek and tributaries thereto in violation of Prohibition A.1 and Provision D.2 of Order No. 94-104. In January and February of 1993, the City discharged approximately 0.61 million gallons of untreated wastewater from a series of sewer overflows. In March of 1995, the City discharged approximately 0.27 million gallons of untreated wastewater from a series of sewer overflows. Virtually all of the untreated wastewater discharged from these sewer overflows reached Escondido Creek. The causes of these sewer overflows identified by the City included; capacity of system exceeded due to severe flooding, surcharge, and excessive infiltration. Since the time of the discharges of untreated wastewater to Escondido Creek in 1995, the City has undertaken several measures to reduce the potential for discharges of untreated wastewater due to sewer overflows. According to the City, the capacity of the City's collection system has been expanded in capacity-deficient areas, new sewer lines have been installed, and other improvements to increase the conveyance capacity of the collection system have been implemented.
3. In recent years, on a number of days during or immediately following sustained periods of significant precipitation, the City has discharged secondary treated wastewater from the HARRF to Escondido Creek in violation of Prohibition A.1 and Provision D.2 of Order No. 94-104. In January 1993, the City discharged approximately 18 million gallons of secondary treated wastewater from the HARRF to Escondido Creek. In March 1995, the City discharged approximately 28 million gallons of secondary treated wastewater from the HARRF to Escondido Creek. During periods of extremely high wet weather flows, the combined flow from the HARRF and the San Elijo Joint Powers Authority (SEJPA) San Elijo Water Pollution Control Facility have exceeded the capacity of the land and

inshore portion of the SEOO.

4. Effluent from the HARRF is normally conveyed through the Escondido Land Outfall (ELO) to the SEOO, through which it is discharged to the Pacific Ocean. The design capacity of the ELO is 27.8 million gallons per day (MGD). The ELO is owned and operated by the City. The design capacity of the SEOO is 25.5 MGD. The actual operating capacity of the SEOO is less than the design capacity and under certain tidal conditions may be as low as 22.5 MGD. The land and inshore portion of the SEOO is owned and operated by the SEJPA. The City leases 79% of the capacity of the land and inshore portion of the SEOO from SEJPA. SEJPA has the ability to control the flowrate entering the SEOO from the ELO. SEJPA discharges effluent from the San Elijo Water Pollution Control Facility to the Pacific Ocean through the SEOO. The SEJPA discharge from the San Elijo Water Pollution Control Facility through the SEOO is regulated by Order No. 94-105, NPDES No. CA0107999.
5. The City plans to follow one of two strategies to terminate unauthorized discharges of treated wastewater to Escondido Creek. The City plans to either a) terminate discharges to Escondido Creek by increasing the capacity of the land and inshore portion of the SEOO; or b) implement tertiary treatment and water reclamation at the HARRF and seek authorization for intermittent wet-weather discharges of tertiary treated wastewater to Escondido Creek from the HARRF.
6. While the City is following one of the strategies identified in Finding No. 5, it may also be possible for the City to implement interim measures to reduce discharges of treated wastewater to Escondido Creek from the HARRF. Examples of such measures include but are not limited to reducing inflow and infiltration, water conservation, stopping or slowing approval of new connections to the sewer system, and/or increasing flow equalization capacity at the HARRF.

IT IS HEREBY ORDERED, That pursuant to California Water Code Section 13301, the City of Escondido (hereinafter City) shall comply with the following directives:

1. The City shall cease and desist discharges in violation of Order No. 94-104 and shall immediately undertake measures to prevent the recurrence of such discharges.
2. The City shall, no later than **May 1, 1998**, decide whether it plans to pursue a strategy to increase the ocean outfall capacity or a strategy to seek authorization for discharges of treated wastewater to Escondido Creek from the HARRF. The City shall notify the Executive Officer of this decision by May 14, 1998. The City shall complete implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto by **November 11, 2002**.
3. The City shall immediately implement interim measures, such as those identified in

Finding No. 6, to reduce discharges of treated wastewater to Escondido Creek and tributaries thereto.

4. The City shall submit semiannual progress reports identifying and discussing all tasks undertaken by the City to achieve compliance with Directive Nos. 1, 2 and 3. The reports shall identify completion dates for each task.

The reports shall be submitted on the following dates.

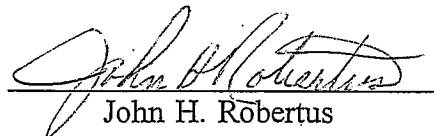
| <u>Report Period</u> | <u>Report Due</u> |
|----------------------|-------------------|
| April - September | October 31 |
| October - March | April 30 |

5. The City shall submit reports required under this Order to:

Surface Water Unit
California Regional Water Quality Control Board
San Diego Region
9771 Clairemont Mesa Boulevard, Suite A
San Diego, CA 92124-1331

6. Nothing in this Order shall be construed to relieve the City from further enforcement action, including administrative or judicial assessment of civil liability, injunctive relief, or criminal prosecution, resulting from violations of Order No. 94-104 (NPDES Permit No. CA0107981) such as subsequent discharges of treated or untreated sewage.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of Cease and Desist Order No. 96-31 adopted by the California Regional Water Quality Control Board, San Diego Region, on June 13, 1996.


John H. Robertus
Executive Officer

